

2:02-CV-193

United States District
Court, For the District of Vermont

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED
2002 AUG 12 PM 12:05
BY JSA
CLERK

Robert E Zorn
Plaintiff

vs. Rutland County Superior
Court
Judge P. ZIMMERMAN,
STATE OF VERMONT
(Defendants) et al.

I Robert E Zorn Plaintiff am a Resident
of Rutland County Residing at 652
South St. Middletown Springs Vermont
05757.

The Defendants Address.

is Rutland County Superior Court
Rutland County 83 Center
Street. Rutland VT 05701-4099
c/o Judge Zimmerman

STATEMENT OF JURISDICTION.

Civil Action is Being Taken By Plaintiff
in the Above Titled Matter due to
Discrimination of Equal Rights By the. US Bill of Rights
Discrimination of Vermont Civil Rules and procedures
which are constitutional Rights of Freedom of Speech
and Representation of Due Se. Rights

2.

Provided By the Bill of Rights
Which is Common Knowledge

Other actions transmitted By the
Defendants, may lead to criminal
charges against them.

Suppression of Evidence and Coercion
charges may result

Suppression of Vermont Civil Rules

And procedures by the defendants
Resulting in physical damages to the
Plaintiff, as well as the Responsibility
of the defendants to protect the
interest of Every American Citizen.

in which failed to do so, with other state
Agencies, as well as financial damages
created by the actions of the defendants
Against the Plaintiff

State ment of Claim.

I Robert E Zoran Residing at 652 South St
File This Statement of Claim against Rutland
County Superior Court, Rutland County, State of
Vermont, Judge Pa. Zimmerman. ET AL

Where By This the Action is of
The Court, Employees Judge. Zimmerman.
on April 16th, 2002 or about had hearings
Regarding a Court order. Case Docket
S0571-00 Rec. against Scott Smith.
The Defendants That the Plaintiff Robert E Zoran
has Judgements against, AND a Court order which
she reversed.
Without notification to Robert E Zoran
of hearings, only after the hearings
The Plaintiff, Judge Zimmerman had hearings
without the Plaintiff being present or notified.
This is Against the Plaintiff's Constitutional
Rights to Due Process, and Released a Court
order, whereby the Judge did not allow
The Plaintiff Representation.
on January. 18th 2002. Robert E Zoran

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Filed a Motion For Pro Se Representation. (concordia)
with the Rutland County Superior Court

Docket. 488. 8-01 Rudu

the Plaintiff injured himself
and was in severe pain

The Court filed for a hearing and
gave a few days notice to the Plaintiff

The Plaintiff told the Court of his condition

and was told to still appear! This was cruel
and unfair.

on 3/12/02 he about a motion to appear

Pro Se. was denied By Judge Zimmerman

Thus By doing so. The Judge denied the Plaintiff

his Civil Rights, Part of the Bill of Rights

and discriminated against him Due to the fact the Defendant

While this case proceeded a default ^{MAVED} a

against the defendants, order was applied
and was granted.

By Judge ~~Coleman~~. The Time limited for

The Appeal. had run out as far as

Vermont Civil Rules and procedures.

By allowing an appeal By the Defendants

even that out the rest

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the Court would destroy the Plaintiff's
rights to due process and obstruct justice.

An other Attorney there was admitted
to the defendants, however the time
lapse for the Attorney was greater
than the (appeal) by the defendants.

Thus to further continue

this hearing would be to
obstruct justice against the
Plaintiff on the merits
of default.

The Defendants breach numerous court
orders and a fine by the court
was put in place by the Judge against
the defendant. at no time did the
court take action against the defendant.
and failed to enforce these orders.

This violated the rights of

The Plaintiff to Vermont Civil
Rules and Procedures and the
rights to due process.

One to The Nature of This Case. a Trial

By Jury is necessary.

and the Plaintiff makes this

Demand For Trial By Jury

Questions to The Jury are simple /

- 1) do you believe in the Bill of Rights
and the constitutional Rights of Americans
if not. They should not be allowed to
be on the Jury.
- 2) If any of the people or affiliated
in any way with any members
of the civil actions or know
of Robert E. Zorn or any
- 3) parties in any way they could
be for or against them and should
not be allowed as jurors.

Relief of the Plaintiff By the Actions

- 1) Since the cases are ongoing, they should be moved
of the Defendants To U.S. District Court
- 2) The Plaintiff seeks all Expenses
that he had for legal services
Due to negligence of Constitutional
rights
- 3) Punitive damages for pain and suffering
due to the negligence of the Court for Reasonable
Amount
- 4) And Judge. and Compensation for all
claims ordered by the Court for each.

Superior Court

County of Rutland

Docket No. 488-8-01 Rdcv

Robert Zorn vs Birger Heffemehe et al.

Case Type:

Last judge: Richard W. Norton

Case Track: Not set

Recused: None

Case Status: Active - Pretrial

Court/Jury: Jury Trial

Next Hearing: Status Conference, Wednesday, 08/14/02, 01:00 PM

PARTIES		
No. Role Litigant Name	Attorney Name	Telephone
p# 1 plf Zorn, Robert	Dumont, James A.	388-4906
p# 2 def Heffemehe, Birger aka Birger HAnderson, Karl C.		773-4700
p# 3 def Mollow, Heberle aka Heberle/HeAnderson, Karl C.		773-4700
p# 4 def Grayson, Nancy Heverle	Nawrath, W. Michael	362-2310

DISPUTES		
DsptCase Name	Disputants	Dispo Date
1 cml Trespass/Injunction	p#1 v p#2	
2 cml Trespass/Injunction	p#1 v p#3	
3 cml Trespass/Injunction	p#1 v p#4	

MOTIONS/PETITIONS/REQUESTS FOR RELIEF				
No.	Type	Status	Judge	Date
1	M/for Temporary Restraining Order	granted	WDC	09/07/01
2	M/for contempt hearing	granted	WDC	12/11/01
3	M/to continue contempt hearing	denied	WDC	12/10/01
4	M/to Withdraw as Attorney	granted	WDC	12/11/01
5	M/to appear pro se	denied	MPZ	03/12/02
6	M/for Default Judgement	wait		01/23/02
7	M/for Reconsideration	wait		01/25/02
8	M/against motion to reconsider order of co	wait		01/09/02
9	M/for "perjury" against def Heffemehe	wait		01/09/02
10	M/"wreckless endangerment"	wait		02/04/02

08/17/01 Trespass/Injunction case filed by Plaintiff Robert Zorn against Defendant Birger Heffemehe aka Birger Heffemehe and Defendant Heberle Mollow aka Heberle/Heverle/Hebbi Mollo and Defendant Nancy Heverle Grayson. Jury trial requested.
MPR 1) Motion for Temporary Restraining Order filed by Plaintiff Robert Zorn. Motion for Temporary Restraining Order given to judge. Documents filed: affidavit; exhibits.
Entry order re MPR 1) Motion for Temporary Restraining Order.
M/Reaction Form. granted by RWN. TRO prohibits (deft) Heffemehe. from entering on (pltf) Zorn's land, or contacting Mr. Zorn in any way, until a hearing in this matter is held on the motion for preliminary injunction. RWN.
Motion Hearing set for 08/22/01 at 01:00 PM.

08/22/01 Motion Hearing held. MT/TAPE.
Hearing held at Rutland Family Court. James Dumont, Esq. present for pltf. Defts present and pro se.
Entry Order by Judge Mary Teachout: Defendants agreed to postponement of evidentiary hearing on preliminary injunction for two weeks with the temporary restraining order remaining in effect. Court to schedule two hour hearing.

08/24/01 Other set for 09/07/01 at 09:00 AM. This matter has been scheduled for an evidentiary hearing on petitioner's request for a preliminary injunction. The Court has allotted two hours for this hearing.

08/31/01 Appearance entered by W. Michael Nawrath on behalf of Defendant Nancy Heverle Grayson.

09/07/01 Other held. WDC/TAPE.

Parties appeared and submitted stip and order re: preliminary injunction. J. Dumont, Esq. present with plaintiff. C. Rhodes, Esq. present for defense and W. Nawrath present for defense. Parties accept service of order at clerk's office, except for Birger Heffemehe who was not present for hearing.

Entry order re MPR 1) Motion for Temporary Restraining Order. Stipulated at Hearing. granted by WDC. Service complete on party(s) 4: acknowledgement/acceptance. Documents served: Summons & Complaint. Service complete on party(s) 2: personal service. Documents served: Summons & Complaint. Service complete on party(s) 3: personal service. Documents served: Summons & Complaint.

09/18/01 Service complete on party(s) 2: acknowledgement/acceptance. Documents served: Order.

09/19/01 Appearance entered by Christopher P. Rhodes on behalf of Defendant Birger Heffemehe aka Birger Heffemehl.

Answer filed by Attorney Christopher P. Rhodes for Defendant Birger Heffemehe aka Birger Heffemehl.

Discovery: deft Birger Heffemehl's answer to pltf's complaint.

09/24/01 1 document filed by Attorney James A. Dumont for party 1: affidavit of Michael McNolty.

Answer filed by Attorney W. Michael Nawrath for Defendant Nancy Heverle Grayson.

10/02/01 MPR 2) Motion for contempt hearing filed by Plaintiff Robert Zorn. Motion for contempt hearing is set for hearing. Documents filed: affidavit of Robert Zorn; attachments, exhibits, maps, photos, etc.

10/15/01 Status Conference set for 11/01/01 at 02:00 PM.

11/01/01 Status Conference held. WDC/TAPE.

C. Todd recording. J. Dumont, Esq. pres for pltf. C. Rhodes, Esq. and W. Nawrath, Esq. present for defts. Matter to be set for 2 hour evidentiary hearing.

11/26/01 Motion Hearing set for 12/10/01 at 09:00 AM.

11/27/01 Motion Hearing scheduled for 12/10/01 corrected.

Motion Hearing set for 12/11/01 at 09:00 AM.

12/05/01 MPR 3) Motion to continue contempt hearing filed by Defendant Birger Heffemehe aka Birger Heffemehl and Defendant Heberle Mollow aka Heberle/Heverle/Hebbi Mollo. Motion to continue contempt hearing waiting for Memo in Opposition. Documents filed: memorandum.

MPR 4) Motion to Withdraw as Attorney filed by Defendant Birger Heffemehe aka Birger Heffemehl and Defendant Heberle Mollow aka Heberle/Heverle/Hebbi Mollo. Motion to Withdraw as Attorney waiting for Memo in Opposition. Documents filed: memo.

12/07/01 Party 1 filed response to MPR 3.

12/10/01 Entry order re MPR 3) Motion to continue contempt hearing. M/Reaction Form. denied by WDC. MPR 4 status changed to toset.

12/11/01 Motion Hearing held. WDC/TAPE.

P. Hogan recording. J. Dumont, Esq. pres for pltf. C. Rhodes, Esq. pres for deft. Findings on the record. Motion for contempt is granted. Atty Dumont to submit order.

Entry order re MPR 2) Motion for contempt hearing. Contested Hearing. granted by WDC.

Entry order re MPR 4) Motion to Withdraw as Attorney. Uncontested Hearing. granted by WDC.

Attorney Christopher P. Rhodes withdraws.

12/13/01 1 document filed by Attorney James A. Dumont for party 1: Proposed Order per court's request.

12/17/01 Entry Order by Judge William D. Cohen: Order issued. ORDER: The court awards damages against Mr. Heffermehe to Mr. Zorn in the amount of \$4,900.00. The court also imposes a fine of \$100.00 per day for every day after 12/19/01, that Mr. Heffermehe has not removed the sand and gravel as set forth in the Court's order of 9/7/01. Copies to parties.

Notice sent to Birger Heffemehe and Heberle Mollow regarding withdrawal of attorney.

01/18/02 MPR 5) Motion to appear pro se filed by Plaintiff Robert Zorn. Motion to appear pro se waiting for Memo in Opposition. Documents filed: memorandum; cc: to ATTys Rhodes, Dumont and Nawrath.

Mr Zorn filed the motion to appear pro se.

01/22/02 Appearance entered by Karl C. Anderson on behalf of Defendant Birger Heffemehe aka Birger Heffemehl.

01/23/02 MPR 6) Motion for Default Judgement filed by Plaintiff Robert Zorn. Motion for Default Judgement waiting for Memo in Opposition. Documents filed: attachments; affidavit of plf Zorn. the motion for default was filed by Mr. Zorn "pro se". He was informed that we need to receive paperwork from Atty Dumont relative to his consent for Mr. Zorn to proceed pro se, or otherwise, let the court decide upon his motion to proceed pro se. 1 document filed for party : Certificate of Service.

01/25/02 MPR 7) Motion for Reconsideration filed by Defendant Birger Heffemehe aka Birger Heffemehl. Motion for Reconsideration waiting for Memo in Opposition. Documents filed: motion to reconsider order of contempt; affidavit of Birger Heffemehl.

01/28/02 2 documents filed for party : summary of relevant facts and VCRP; (in support of default).

01/30/02 Party 1 filed response to MPR 7. filed by pltf "pro se". MPR 8) Motion against motion to reconsider order of co filed by Plaintiff Robert Zorn. Motion against motion to reconsider order of co waiting for Memo in Opposition. Documents filed: filed by "pro se" pltf Zorn; memorandum; attachments; Certificate of Service. MPR 9) Motion for "perjury" against def Heffemehl filed by Plaintiff Robert Zorn. Motion for "perjury" against def Heffemehl waiting for Memo in Opposition. Documents filed: filed "pro se" by plf Zorn.

01/31/02 2 documents filed for party : affidavit of plf Zorn re motions; attached exhibits. Appearance entered by Karl C. Anderson on behalf of Defendant Heberle Mollow aka Heberle/Heverle/Hebbi Mollo. Party 2-3 filed response to MPR 6. Party 2-3 filed response to MPR 5.

02/01/02 Party 1 filed response to MPR 7.

02/04/02 MPR 10) Motion "wreckless endangerment" filed by Plaintiff Robert Zorn. Motion "wreckless endangerment" waiting for Memo in Opposition. Documents filed: exhibits; Certificate of Service; affidavit.

02/05/02 1 document filed for party : Plf Demand from Atty Dumont to Produce.

02/08/02 1 document filed for party : affidavit in support of plf's complaint. Party 2-3 filed response to MPR 5-10.

02/11/02 letter of correspondence from plf Zorn to attys Nawrath and Anderson regarding deposition request, etc.

02/12/02 2 documents filed for party : affidavit of Mark Courcelle; affidavit of Robert Zorn. Notice to the court from Atty Dumont advising he will be acting as co-counsel to plf Zorn and continue to represent him. Party 1 filed response to MPR 7.

02/13/02 1 document filed for party : certif of service of 2/12/02 affidavits. File sent to Judge Corsones for decision on pending motions #5,8 and 9.

02/15/02 File to be set for hearing before Judge Zimmerman per Judge McCaffrey. Entry order re MPR 5) Motion to appear pro se. M/Reaction Form. to be set for hearing per by FM.

03/06/02 Motion Hearing set for 03/12/02 at 01:00 PM. This hearing will be held at the Rutland Superior Court.

03/11/02 Motion Hearing set for 03/12/02 at 01:00 PM.

03/12/02 Motion Hearing held. MPZ/TAPE. Motion Hearing scheduled for 03/12/02 corrected. Video taped hearing. Pltf present. J. Dumont, Esq. present for pltf. K. Anderson, ESq. present for deft. W. Nawrath, Esq. not present. Pltfs Motion to Appear Pro Se is DENIED. Entry order re MPR 5) Motion to appear pro se. Uncontested Hearing. denied by MPZ. Court to order transcript of contempt hearing for Judge Zimmerman's review.

04/25/02 Case status changed to Active - Pretrial.

06/10/02 Waiting to hear from Administrative Judge re: judge assignment for
this case.

07/09/02 Status Conference set for 08/14/02 at 01:00 PM.